IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 6967 of 2007(D)

PETITIONER:

DR. BIJU S.,
LECTURER IN ORTHOPAEDICS, MEDICAL COLLEGE,
TRIVANDRUM-695 011.

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENTS:

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1. STATE OF KERALA, REP. BY
ITS CHIEF SECRETARY, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF MEDICAL EDUCATION,
DIRECTORATE OF MEDICAL EDUCATION,
THIRUVANANTHAPURAM.

3. THE COMMISSIONER FOR ENTRANCE
EXAMINATIONS, SHANTHI NAGAR,
HOUSING BOARD BUILDINGS, VTH FLOOR,
THIRUVANANTHAPURAM-695 001.

BY GOVERNMENT PLEADER (SHRI A.J. VARGHESE)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 6967 OF 2007 D

Dated this the 13th March, 2007

JUDGMENT

Petitioner does not press reliefs 1 to 3. Therefore, this Court is to consider only the fourth relief sought for. The fourth prayer reads as follows:

> *"iv) Issue a writ of mandamus or writ of similar nature or order or direction commanding respondents to give administration to the petitioner in P.G. Degree M.S. (Orthopaedics) in the event of petitioner scoring more than 40% marks in entrance exam forthwith."*

According to petitioner, he belongs to Scheduled Tribe Community. He has secured 41% marks. Therefore, he is entitled to be admitted being a member of the Scheduled Tribe Community. Learned Government Pleader points out that in the application, in column No.3, where the petitioner was to state as to whether he claims the benefit of SC/ST, petitioner has written "Not Applicable". Petitioner has also not produced the

Certificate as contemplated in page 4 of the application from the Tahsildar showing that the petitioner belongs to Scheduled Tribe Community. Instead, petitioner relies on the fact that he has produced his SSLC Book in which he was shown as belonging to a Scheduled Tribe Community. I am of the view that the claim of the petitioner, in such circumstances, for relief No.(iv) cannot be granted. Petitioner has not even claimed that he belongs to Scheduled Tribe Community in the application. Petitioner did not produce a Certificate of the Revenue Officer as contemplated in law. In such circumstances, petitioner cannot be permitted to raise a claim on the basis of the SSLC Book. Accordingly, the Writ Petition fails and it is dismissed.

K. M. JOSEPH, JUDGE

kbk.